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6 *Attorneys for Defendant Henri Wetselaar, M.D.*

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9
 10 **UNITED STATES OF AMERICA,**
 11 **PLAINTIFF,**
 12 **vs.**
 13 **HENRI WETSELAAR, M.D.**
 14 **DAVID A. LITWIN, and**
 15 **JASON C. SMITH, R.PH.,**
 16 **DEFENDANTS.**

17
 18 **CASE NO. 2:11-CR-00347-KJD-CWH**
 19 **SUPPLEMENTAL STIPULATION AND**
 20 **ORDER TO DETERMINE MENTAL**
 21 **COMPETENCY OF DEFENDANT HENRI**
 22 **WETSELAAR, M.D.**

23
 24 **IT IS HEREBY STIPULATED AND AGREED** by and between Daniel G. Bogden, United
 25 States Attorney, and Crane M. Pomerantz and Cristina Silva, Assistant United States Attorneys,
 26 attorneys for the United States; and Jeffrey B. Setness, Esq. of the law firm of Fabian VanCott that Dr.
 27 Wetselaar be evaluated by a rheumatologist, nephrologist, and neurologist based upon the following:

28 1. On May 3, 2016, a "Revised Stipulation and Order to Determine Mental Competency of
 29 Defendant Henri Wetselaar, M.D." was filed with the Court (Doc No. 236).

30 2. On May 4, 2016, Magistrate Judge Hoffman ordered that Dr. Wetselaar would be
 31 evaluated by Dr. Gregory Brown pursuant to the provisions set forth in Title 18, U.S. Code, Sections
 32 4241-4248 (Doc. No. 237).

33 3. On May 26, 2016, Dr. Brown conducted his initial evaluation of Dr. Wetselaar.
 34 Following his evaluation, Dr. Brown requested that:

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1 a. Dr. Wetselaar be evaluated by both a rheumatologist and nephrologist in order
 2 to obtain their professional opinions regarding fatigue, secondary to chronic rhabdomyolysis;
 3 and

4 b. Dr. Wetselaar receive a comprehensive neurological examination by a Board-
 5 certified neurologist to specifically address cognitive functioning, memory function, restless leg
 6 syndrome, and fatigue. Dr. Brown recommended that the Court consider the Lou Ruvo Center
 7 for Brain Health to conduct the neurological examination.

8 4. Pursuant to Title 18, U.S. Code, Section 4241(b), the parties agree that the court shall
 9 order that further examinations of Defendant Henri Wetselaar, M.D. be conducted by a rheumatologist,
 10 nephrologist, and neurologist in accordance with the recommendation of Dr. Brown.

11 5. Counsel for Dr. Wetselaar and the United States shall confer and agree as to the
 12 rheumatologist, nephrologist, and neurologist that will conduct these examinations and will provide the
 13 Court with the names of the physicians agreed on no later than Friday, June 3, 2016.

14 6. The evaluations by the rheumatologist, nephrologist, and neurologist shall be conducted
 15 on an outpatient basis.

16 The parties agree that, pursuant to the provisions of the Speedy Trial Act set forth in Title 18,
 17 United States Code, Section 3161(h)(1)(A), the time required for trial of Dr. Wetselaar shall be
 18 excluded from the date of the instant order until the Court issues a ruling on Dr. Wetselaar's
 19 competency to stand trial, such period being a delay contemplated by Title 18, United States Code,
 20 Section 3161(h)(1)(A).

21 DATED this 27th day of May, 2016.

22 By: /s/ Crane M. Pomerantz
 23 CRANE M. POMERANTZ, ESQ.
 24 Assistant United States Attorney
 Attorney for United States

22 By: /s/ Jeffrey B. Setness
 23 JEFFREY B. SETNESS, ESQ.
 24 Attorney for Defendant Dr. Henri
 Wetselaar

25 By: /s/ Cristina Silva
 26 CRISTINA SILVA, ESQ.
 27 Assistant United States Attorney
 Attorney for United States

1 **UNITED STATES DISTRICT COURT**2 **DISTRICT OF NEVADA**3 **UNITED STATES OF AMERICA,**4 **PLAINTIFF,**5 **vs.**6 **HENRI WETSELAAR, M.D.
DAVID A. LITWIN, and
JASON C. SMITH, R.PH.,**7 **DEFENDANTS.**8 **CASE NO. 2:11-CR-00347-KJD-CWH**9 **[PROPOSED] SUPPLEMENTAL ORDER
TO DETERMINE MENTAL
COMPETENCY OF DEFENDANT HENRI
WETSELAAR, M.D.**10

GOOD CAUSE HAVING BEEN SHOWN, and pursuant to Title 18, U.S. Code, Section
11 4247(b) and (c), this Court hereby ORDERS that examinations of defendant Dr. Wetselaar be
12 conducted by a rheumatologist, nephrologist, and neurologist pursuant to the recommendation of Dr.
13 Gregory Brown and that each of these physicians prepare and file with the Court a report setting forth
14 their findings.

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The evaluations by the rheumatologist, nephrologist, and neurologist shall be conducted on an
16 outpatient basis.

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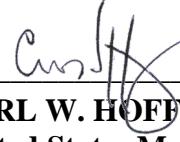
Counsel for Dr. Wetselaar and the United States shall confer and agree as to the
18 rheumatologist, nephrologist, and neurologist that will conduct these examinations and will provide the
19 Court with the names of the physicians agreed on no later than Friday, June 3, 2016.

20

The Court finds that, pursuant to the provisions of the Speedy Trial Act set forth in Title 18,
21 United States Code, Section 3161(h)(1)(A), the time required for trial of Dr. Wetselaar shall be
22 excluded from the date of the instant order until the Court issues a ruling on Dr. Wetselaar's
23 competency to stand trial, such period being a delay contemplated by Title 18, United States Code,
24 Section 3161(h)(1)(A).

25

DATED May 31, 2016

26 
27 **CARL W. HOFFMAN**
28 **United States Magistrate Judge**

CERTIFICATE OF SERVICE

In accordance with Rule 49(c) of the Federal Rules of Criminal Procedure and Rule 47-11 of the Local Rules of Practice of the United States District Court for the District of Nevada, I certify that I am an employee of FABIAN VANCOTT and that on this 27th day of May, 2016 I did cause a true copy of:

SUPPLEMENTAL STIPULATION AND ORDER TO DETERMINE MENTAL COMPETENCY OF DEFENDANT HENRI WETSELAAR, M.D.

to be served via electronic service by the U.S. District Court CM/ECF system to the parties on the Electronic Filing System in this action.

By: /s/ Sara M. Cameron
An employee of
FABIAN VANCOTT